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Filing date: **12/21/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91162865
Party	Defendant The Procter & Gamble Company The Procter & Gamble Company One Procter & Gamble Plaza Cincinnati, OH 45202
Correspondence Address	IAN S ROBINSON THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY TRADEMARKS GO C-02 BOX 11 ONE PROCTER & GAMBLE PLZ CINCINNATI, O 45202
Submission	Answer
Filer's Name	Ian Robinson
Filer's e-mail	robinson.is@pg.com
Signature	/isrobinson/
Date	12/21/2004
Attachments	Answer to FemMed complaint.pdf (5 pages) Exhibit A.pdf (1 page)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

FemMed, Inc.)	
)	Opposition No. 91162865
Opposer,)	Serial No. 78/298378
v.)	Mark: STAND-UP PROTECTION
)	
The Procter & Gamble Company)	
)	
Applicant.)	
_____)	

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPOSITION

The Procter & Gamble Company (“Applicant”) responds to the Notice of Opposition filed by FemMed Inc (“Opposer”) as follows:

1. Applicant admits the allegations of paragraph 1.
2. Applicant admits the allegations of paragraph 2.
3. Applicant admits only that Opposer claims rights in a registered mark STAND UP that issued June 10, 2003. As to all other allegations of paragraph 3, Applicant

- lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 3 and on that basis denies the same.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 and on that basis denies the same.
 5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5, as no such paragraph was included in the Notice of Opposition and on that basis denies the same.
 6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 and on that basis denies the same.
 7. Applicant denies the allegations in paragraph 7.
 8. Applicant denies the allegations in paragraph 8.
 9. Applicant denies the allegations in paragraph 9.
 10. Applicant denies the allegations in paragraph 10.

AFFIRMATIVE DEFENSES

As affirmative defenses to the Notice of Opposition, Applicant alleges as follows:

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.
2. There is no likelihood of confusion between Applicant's intended use of STAND-UP PROTECTION for the goods identified in Application Serial No. 78/298,378 and Opposer's use of STAND UP for the goods identified in registration No. 2,724,654.

Docket No:77240

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

Date December 21, 2004

By: isrobinson/

Ian S. Robinson

Attorney for Applicant

One Procter & Gamble Plaza,

Cincinnati Ohio, 45202

513 983 4517

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing “Answer and Counterclaim to Notice of Opposition” was served on counsel for Opposer: Sandra Epp Ryan of Merchant & Gould P.C. P.O. Box 2910 Minneapolis, Minnesota 55402-0910 by First Class mail, postage prepaid, this 21st day of December 2004.

/isrobinson/

Ian Robinson

EXHIBIT A

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